

## **REMARKS**

Reconsideration of the application is requested in view of the amendments to the claims and the remarks presented herein.

The claims in the application are claims 1 to 4, 6 to 9 and 11 to 21, all other claims having been cancelled.

The Examiner objected to claims 4, 5, 8 and 10 as being duplicates of claim 6. Claims 5 and 10 have been cancelled and claims 4 and 8 are not duplicates of claim 6 which calls for the metallized layer as being vacuum deposited. Claim 8 differs from claim 6 by referring to the polymeric layer being formed on the metallized and claim 4 indicates that the metallic layer is formed on the core layer. Therefore, the claims are distinct and withdrawal of the objection is requested.

Claims 1 to 11, 13 to 16 and 21 were rejected as being obvious under 35 USC 103 over the Akao '141 patent which according to the Examiner discloses a food packaging film of a polyvinyl chloride core layer with a metallized layer and a thermoplastic polymer. The Examiner concedes Akao does not teach thickness nor ppm but deems these features are easily determined.

Applicants respectfully traverse this ground of rejection since it is deemed that the Akao patent does not render Applicants' at least 3 layer translucent film obvious. Akao

is not directed to a film for food packaging but is directed to a film for packaging and protecting photographic, photosensitive material from light exposure which is completely non-analogous. Applicants packaging material is translucent while the Akao package has to be opaque to keep light from reaching the light sensitive material to be held therein. Moreover, Applicants' polyvinyl chloride core material is devoid of plasticizers, contains less than 1 ppm vinyl chloride monomer and has less than 1.0 ppm global migration additives. Also Applicants metallized layer has a thickness of 0.02 to 2 microns and the polymeric layer is 1 to 250 microns thick. These limitations are in no way suggested or taught by Akao. Also, Akao uses light absorbent material such as carbon black and antioxidants and also teaches in column 6 the use of plasticizers to improve properties which are to be completely lacking in Applicants' compositions. Nowhere does Akao teach polyvinyl chloride as the core layer. Therefore, withdrawal of this ground of rejection is requested.

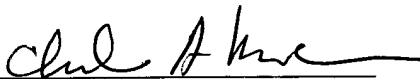
Claims 1 to 21 were rejected under 35 USC 103 as being obvious over the '141 Akao patent which according to the Examiner teaches a packaging film of 2 polyvinyl chloride films, a metallized layer and a silicon coating layer and again the Examiner concedes the reference does not teach ppm or thickness but deems the same to be obvious.

Applicants traverse this ground of rejection since the '141 Akao patent does not teach Applicants' invention as it is directed to a light-shielding film as compared to

Applicants' translucent film and suffers the same drawbacks as the films of the '141 patent discussed above. Therefore, withdrawal of this ground of rejection is requested.

It is believed that the claims point out Applicants' patentable contributions as noted above and favorable reconsideration of the application is requested.

Respectfully submitted,  
Hedman and Costigan

  
Charles A. Muserlian #19,683  
Attorney for Applicants  
Tel. 212 302 8989

CAM:mlp  
Enclosures